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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,615	05/11/2001	Hidenori Takata	35.C15354	5344

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NEW YORK, NY 10112

EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 07/31/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,615

Applicant(s)

TAKATA ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-5, 10-13 are rejected** under 35 U.S.C. **102(b)** as being anticipated by Kanno (US 5,943,650 A), hereinafter referred to as “Kanno”.

As per claim 1, Kanno teaches a management apparatus comprising:

- “a storing part adapted to control restriction of use of software and including a storage area for storing type information representing type of the restriction of use of software and a storage area for storing information representing the restriction of use” at Col. 4 lines 5-10 and Fig. 1, element 22;
- “a software storing part for storing software corresponding to said storing part” at Col. 5 lines 63-66 and Fig. 1, element 18;

- “and means for altering contents of said storing part on the basis of the use of the software corresponding to said storing part” at Col. 4 lines 5-25.

As per claim 2, Kanno teaches a management apparatus according to claim 1, wherein “a plurality of said storing parts are provided, and further comprising means for revising contents of said storing part whenever the software corresponding to each of said storing parts is executed” at Col. 6 lines 5-20.

As per claim 3, Kanno teaches an information processing apparatus comprising:

- “means for displaying message whether control information displayed on a display is revised or not, if a condition that the control information for controlling the use of software is to be revised is attained” at Col. 4 lines 20-50;
- “and means for displaying a view required for revision of the control information when the control information is revised” at Col. 4 lines 35-50 and Fig. 1, elements 24, 26.

As per claim 4, Kanno teaches an information processing apparatus according to claim 3, further comprising “means for displaying plural types of control information on the view for revising the control information and for displaying prices corresponding to the respective control information” at Col. 4 lines 35-50 and Fig. 1, elements 24, 26.

As per claim 5, Kanno teaches an information processing apparatus according to claim 4, wherein “the information processing apparatus is connected to a network, and further comprising means for taking-in the control information from said network” at Col. 10 lines 45-65.

As per claim 10, Kanno teaches an information processing apparatus

comprising: "control means for reading-out history information regarding use of software on the basis of control information when the use of the software is controlled by the control information and for displaying validity of the control information on display means" at Col. 4 lines 5-50.

As per claim 11, Kanno teaches the information processing apparatus according to claim 10, wherein "said control means includes means for judging the validity by judging the history information" at Col. 4 lines 5-50.

As per claim 12, Kanno teaches a terminal device connected to a network, comprising: "control means for revising control information for controlling use of software, upon receipt of revision information of the control information from an information equipment connected to said network, if a condition that the control information for controlling the use of the software is to be revised is attained" at Col. 10 line 45 to Col. 11 line 40 and Fig.12.

As per claim 13, Kanno teaches a system in which a terminal device is connected to an information equipment via a network, wherein: "said information equipment includes means for sending control information for controlling use of software to said terminal device on the basis of information sent from said terminal device" at Col. 10 line 45 to Col. 11 line 40 and Fig.12.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 6-9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Kanno as applied to claims 1-5 and 10-13 above, and in view of Official Notice.

As per claim 6, Kanno teaches an information processing apparatus according to claim 5, wherein "said taking-in means includes means for taking-in the control information from said network" using host computer's address information (Figs. 10-11). Kanno does not explicitly teach "said taking-in means includes means for taking-in the control information from said network on the basis of URL of an Internet". However, Examiner takes Official Notice that URL and the Internet is well known in the art to connect a client computer to a host computer over a network. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Kanno's invention using the internet and URL in order to allow user to recharge the battery disk over the Internet.

As per claim 7, Kanno teaches the information processing apparatus according to claim 6, further comprising "means for altering and effecting revision control in accordance with the type of the control information, when the control information for controlling the use of the software is to be revised" at Fig. 5.

As per claim 8, Kanno teaches the information processing apparatus according to claim 7, wherein "said means includes means for displaying revision history when the control information is revised" at Col. 10 lines 30-40.

As per claim 9, Kanno teaches an information processing apparatus according to claim 8, wherein "said means includes for effecting revision of the control information in accordance with preferential order when the plurality of control information are provided" at Col.11 lines 15-55.

Conclusion

7. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(703) 305-9601** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

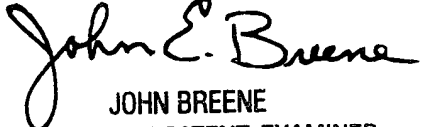
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7240.

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Khanh B. Pham
Examiner
Art Unit 2177

KBP
July 28, 2003


JOHN BREENE
SUPERVISORY PATENT EXAMINER
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